

REMARKS

Further and favorable reconsideration is respectfully requested in view of the foregoing amendments and following remarks.

Claim Amendments

Claim 1 has been amended to recite the substituents. Support for these amendments is found on page 10, line 4 to page 14, line 20 of Applicant's originally filed specification.

Claims 1-6 and 8-11 have been amended to delete "or a prodrug thereof". Claims 15-18 have been amended to delete "prophylactic agent".

Claims 1-6 and 8-11 have been amended to recite "compound" rather than "derivative".

Claims 15-18 have been amended to recite "A method of treating a disease related to promotion of MMP-3 and/ or MMP-13".

Claims 7 and 12-14 have been cancelled, without prejudice.

New claim 20 has been added to the application, and is directed to a pharmaceutical composition comprising the hydroxamic acid compound of claim 1 and a pharmaceutically acceptable additive. Support for this claim is found on page 43, lines 7-22 of Applicant's originally filed specification.

The above-discussed amendments have been made in order to expedite prosecution. No new matter has been added to the claims by the above amendments.

Objection to Claims 1, 6, 7 and 10

The objection to claims 1, 6, 7 and 10 has been rendered moot by the claim amendments.

Specifically, the language objected to in claim 1 has been deleted from the claim.

Regarding claim 6, the phrase "2-pyridyl group, 3-pyridyl group, 4-pyridyl group, furyl group, thienyl group (the said pyridyl group, furyl group and thienyl group may be substituted by lower alkyl group)" means the group represented by R³ alone. Contrary to the assertion of the Examiner, this group does not belong to Group II, and thus is not directed to non-elected subject matter.

Regarding claim 7, this claim has been cancelled, without prejudice.

Accordingly, the objections to the claims are no longer tenable and should be withdrawn.

Rejections of Claims Under 35 U.S.C. § 112, First Paragraph

The rejection of claims 1-12 under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement has been rendered moot in view of the claim amendments.

Specifically, the term “prodrug” has been deleted from the claims.

The rejection of claims 15-18 under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement has also been rendered moot in view of the claim amendments.

Specifically, the phrase “prophylactic agent” has been deleted from the claims.

Accordingly, these rejections are no longer tenable and should be withdrawn.

Rejection of Claims Under 35 U.S.C. § 112, Second Paragraph

The rejection of claims 1-18 as being indefinite under 35 U.S.C. § 112, second paragraph has been rendered moot in view of the claim amendments.

Specifically, the term “derivative” has been deleted from claims 1-11 and 15.

Additionally, as discussed above, claim 1 has been amended to define the substituents. (Claim 7 has been cancelled, without prejudice.)

Further, claim 15 has been amended to more clearly recite “A method for treating a disease related to promotion of MMP-3 and/or MMP-13, comprising administering . . .”.

Conclusion

Therefore, in view of the foregoing amendments and remarks, it is submitted that each of the grounds of objection and rejection set forth by the Examiner has been overcome, and that the application is in condition for allowance. Such allowance is solicited.

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If, after reviewing this Amendment, the Examiner feels there are any issues remaining which must be resolved before the application can be passed to issue, the Examiner is respectfully requested to contact the undersigned by telephone in order to resolve such issues.

Respectfully submitted,

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